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Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS ) MDL No. 3:10-md-2143 RS  
ANTITRUST LITIGATION )  
)  
) STIPULATION AND ~~[PROPOSED]~~  
) ORDER TO AMEND COMPLAINT  
) AND DEFENDANTS' RESPONSES TO  
) AMENDED COMPLAINT

DATE ACTION FILED: Oct. 27, 2009

This Document Relates to:

**ALL INDIRECT PURCHASER ACTIONS**

1 WHEREAS, on October 18, 2011, the Indirect Purchaser Plaintiffs filed a Corrected  
2 Second Amended Class Action Complaint (“IP-SAC”);

3 WHEREAS, following the Court’s Order Denying Motions to Dismiss (Apr. 19, 2012, ECF  
4 No. 531), Defendants filed their individual Answers to the IP-SAC between June 4 and August 17,  
5 2012;

6 WHEREAS, on April 25, 2013, the Indirect Purchaser Plaintiffs filed the under seal version  
7 of their Third Amended Complaint;

8 WHEREAS, on July 19, 2013 Indirect Purchaser Plaintiffs filed the under seal version of  
9 their Corrected Fourth Amended Class Action Complaint;

10 WHEREAS, on May 8, 2013, Indirect Purchaser Plaintiffs filed a related action, *Wagner, et*  
11 *al. v. Pioneer North America, Inc., et al.* Case No. 13-2124 RS, against Pioneer North America, Inc.,  
12 Pioneer Electronics (USA) Inc., Pioneer Corporation, and Pioneer High Fidelity Taiwan Co., Ltd.  
13 (collectively, “Pioneer”);

14 WHEREAS, by order dated July 3, 2013, this Court instructed the Pioneer defendants and  
15 Indirect Purchaser Plaintiffs to confer regarding if and when the *Wagner* action should be  
16 consolidated with this action;

17 WHEREAS, the Pioneer defendants and Indirect Purchaser Plaintiffs have agreed to  
18 consolidate the *Wagner* action with this action and will file a separate stipulation addressing the  
19 schedule for the Pioneer defendants to respond to the complaint, among other things;

20 WHEREAS, the Indirect Purchaser Plaintiffs now request to file an amended complaint in  
21 this litigation to add the Pioneer defendants and consolidate the related *Wagner* action;

22 WHEREAS, pursuant to Federal Rules of Civil Procedure 15(a)(2), the Defendants agree to  
23 the filing of a Fifth Amended Class Action Complaint by the Indirect Purchaser Plaintiffs (“IP-  
24 FAC”), for the purpose of including Pioneer as one of the Defendant families in this action;

25 WHEREAS, the Indirect Purchaser Plaintiffs and Defendants have agreed that, given the  
26 substantial overlap and nature of the amendments between the IP-SAC and IP-FAC, the non-  
27 Pioneer Defendants’ previously filed Answers to the IP-SAC shall be deemed sufficient for  
28 responding to the IP-FAC;

NOW THEREFORE IT IS HEREBY STIPULATED, by and between the undersigned counsel for the parties, that pursuant to Federal Rule of Civil Procedure 15(a)(2), Indirect Purchaser Plaintiffs may file their Fifth Amended Class Action Complaint. Defendants' previously filed Answers to the IP-SAC, with the exception of the Pioneer defendants, shall be deemed sufficient for purposes of responding to the IP-FAC. This means that to the extent a Defendant admitted, denied or objected to, in full or in part, any allegation in the IP-SAC, that Defendant shall be deemed to have admitted, denied or objected to, in full or in part, the same substantive allegation set forth in the IP-FAC.

IT IS SO STIPULATED.

DATED: August 22, 2013

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\* \* \*

IT IS SO ORDERED.

DATED: 9/12/13

  
\_\_\_\_\_  
HONORABLE RICHARD SELBORG  
UNITED STATES DISTRICT COURT JUDGE